

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EZEQUIEL PIÑA-CARRILLO,

No. CR 07-00278 MJJ

Petitioner,

ORDER TO SHOW CAUSE

v.

BOBBY COMPTON, Warden,

Respondent.

Petitioner Ezequiel Piña-Carrillo (“Petitioner”) is currently serving a term of one-hundred twenty months at the Lompoc United States Penitentiary. On August 8, 2005 Petitioner pled guilty to one count of Conspiracy to Possess with Intent to Distribute Methamphetamine and Cocaine (21 U.S.C. § 846) and one count of Possession of a Counterfeit Alien Registration Card (18 U.S.C. § 1546(a)). Petitioner has filed a petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2255.

Petitioner seeks *habeas corpus* relief, claiming that his sentence is unconstitutional for four reasons. First, petitioner claims that he was given too long of a sentence considering his prior criminal record and his claim that he never possessed methamphetamine. Second, petitioner claims that a government informant induced him to sell a larger quantity of drugs which carried a greater criminal penalty. Third, petitioner claims that there was no indication concerning the conspiracy count that he was a “leader or worse type offender”. Finally, petitioner claims that he received ineffective assistance of counsel. Under this claim he notes that he required a translator to

1 understand what it meant to waive his right to appeal. He argues that he was not informed that the
2 plea depicted him as the leader of a conspiracy, and that his attorney did not inform him that he was
3 taking responsibility for possessing any methamphetamine.

4 For the foregoing reasons and for good cause shown, it is hereby ordered that:

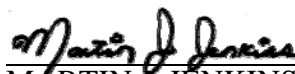
5 1. The Clerk of the Court shall serve by certified mail a copy of this Order and the
6 petition and all attachments thereto upon respondent and respondent's attorney, the United States
7 Attorney. The Clerk shall also serve a copy of this Order on petitioner.

8 2. Respondent shall file and serve within sixty (60) days of the issuance of this order, an
9 answer conforming in all respects with Rule 5 of the Rules Governing Habeas Corpus Cases Under
10 Section 2255, showing cause why a writ of *habeas corpus* should not issue.

11 3. If petitioner wishes to respond to the answer, he shall do so by filing and serving a
12 traverse within thirty (30) days of his receipt of the answer.

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14 **IT IS SO ORDERED.**

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18 Dated: March _13_, 2007



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE